
Introduced by Senator Ashburn

February 22, 2005

An act to amend Sections 3517.6 and 3517.61 of the Government Code, relating to employment relations.

LEGISLATIVE COUNSEL'S DIGEST

SB 890, as introduced, Ashburn. State employment relations: MOU addenda.

Existing law provides that in any case where specified provisions of existing law are in conflict with the provisions of a memorandum of understanding entered into by the state and a recognized employee organization, the memorandum of understanding shall be controlling without further legislative action.

This bill would provide that a side letter, appendix, or other addendum to a properly ratified memorandum of understanding that requires the expenditure of funds may not become effective unless approved by the Legislature in the annual Budget Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3517.6 of the Government Code is
2 amended to read:
3 3517.6. (a) (1) In any case where the provisions of Section
4 70031 of the Education Code, or subdivision (i) of Section 3513,
5 or Section 14876, 18714, 19080.5, 19100, 19143, 19261,
6 19818.16, 19819.1, 19820, 19822, 19824, 19826, 19827, 19828,
7 19829, 19830, 19831, 19832, 19833, 19834, 19835, 19836,
8 19837, 19838, 19839, 19840, 19841, 19842, 19843, 19844,

1 19845, 19846, 19847, 19848, 19849, 19849.1, 19849.4, 19850.1,
2 19850.2, 19850.3, 19850.4, 19850.5, 19850.6, 19851, 19853,
3 19854, 19856, 19856.1, 19858.1, 19858.2, 19859, 19860, 19861,
4 19862, 19862.1, 19863, 19863.1, 19864, 19866, 19869, 19870,
5 19871, 19871.1, 19872, 19873, 19874, 19875, 19876, 19877,
6 19877.1, 19878, 19879, 19880, 19880.1, 19881, 19882, 19883,
7 19884, 19885, 19887, 19887.1, 19887.2, 19888, 19990, 19991,
8 19991.1, 19991.2, 19991.3, 19991.4, 19991.5, 19991.6, 19991.7,
9 19992, 19992.1, 19992.2, 19992.3, 19992.4, 19993, 19994.1,
10 19994.2, 19994.3, 19994.4, 19995, 19995.1, 19995.2, 19995.3,
11 19996.1, 19996.2, 19998, 19998.1, 20796, 21600, 21602, 21604,
12 21605, 22870, 22871, or 22890 are in conflict with the provisions
13 of a memorandum of understanding, the memorandum of
14 understanding shall be controlling without further legislative
15 action.

16 (2) Notwithstanding paragraph (1), this paragraph shall apply
17 only to state employees in State Bargaining Unit 5. In any case
18 where the provisions of Section 70031 of the Education Code, or
19 subdivision (i) of Section 3513, or Section 14876, 18714,
20 19080.5, 19100, 19143, 19261, 19576.1, 19818.16, 19819.1,
21 19820, 19822, 19824, 19826, 19827, 19828, 19829, 19830,
22 19831, 19832, 19833, 19834, 19835, 19836, 19837, 19838,
23 19839, 19840, 19841, 19842, 19843, 19844, 19845, 19846,
24 19847, 19848, 19849, 19849.1, 19849.4, 19850.1, 19850.2,
25 19850.3, 19850.4, 19850.5, 19850.6, 19851, 19853, 19854,
26 19856, 19856.1, 19858.1, 19858.2, 19859, 19860, 19861, 19862,
27 19862.1, 19863, 19863.1, 19864, 19866, 19869, 19870, 19871,
28 19871.1, 19872, 19873, 19874, 19875, 19876, 19877, 19877.1,
29 19878, 19879, 19880, 19880.1, 19881, 19882, 19883, 19884,
30 19885, 19887, 19887.1, 19887.2, 19888, 19990, 19991, 19991.1,
31 19991.2, 19991.3, 19991.4, 19991.5, 19991.6, 19991.7, 19992,
32 19992.1, 19992.2, 19992.3, 19992.4, 19993, 19994.1, 19994.2,
33 19994.3, 19994.4, 19995, 19995.1, 19995.2, 19995.3, 19996.1,
34 19996.2, 19998, 19998.1, 20796, 21600, 21602, 21604, 21605,
35 22870, 22871, or 22890 are in conflict with the provisions of a
36 memorandum of understanding, the memorandum of
37 understanding shall be controlling without further legislative
38 action.

39 (3) Notwithstanding paragraph (1), this paragraph shall apply
40 only to state employees in State Bargaining Unit 8. In any case

1 where the provisions of Section 70031 of the Education Code, or
 2 subdivision (i) of Section 3513, or Section 14876, 18714,
 3 19080.5, 19100, 19143, 19261, 19574, 19574.1, 19574.2, 19575,
 4 19576.1, 19578, 19582, 19582.1, 19175.1, 19818.16, 19819.1,
 5 19820, 19822, 19824, 19826, 19827, 19828, 19829, 19830,
 6 19831, 19832, 19833, 19834, 19835, 19836, 19837, 19838,
 7 19839, 19840, 19841, 19842, 19843, 19844, 19845, 19846,
 8 19847, 19848, 19849, 19849.1, 19849.4, 19850.1, 19850.2,
 9 19850.3, 19850.4, 19850.5, 19850.6, 19851, 19853, 19854,
 10 19856, 19856.1, 19858.1, 19858.2, 19859, 19860, 19861, 19862,
 11 19862.1, 19863, 19863.1, 19864, 19866, 19869, 19870, 19871,
 12 19871.1, 19872, 19873, 19874, 19875, 19876, 19877, 19877.1,
 13 19878, 19879, 19880, 19880.1, 19881, 19882, 19883, 19884,
 14 19885, 19887, 19887.1, 19887.2, 19888, 19990, 19991, 19991.1,
 15 19991.2, 19991.3, 19991.4, 19991.5, 19991.6, 19991.7, 19992,
 16 19992.1, 19992.2, 19992.3, 19992.4, 19993, 19994.1, 19994.2,
 17 19994.3, 19994.4, 19995, 19995.1, 19995.2, 19995.3, 19996.1,
 18 19996.2, 19998, 19998.1, 20796, 21600, 21602, 21604, 21605,
 19 22870, 22871, or 22890 are in conflict with the provisions of a
 20 memorandum of understanding, the memorandum of
 21 understanding shall be controlling without further legislative
 22 action.

23 (4) Notwithstanding paragraph (1), this paragraph shall apply
 24 only to state employees in State Bargaining Unit 12 or 13. In any
 25 case where the provisions of Section 70031 of the Education
 26 Code, or subdivision (i) of Section 3513, or Section 14876,
 27 18670, 18714, 19080.5, 19100, 19143, 19261, 19574, 19574.1,
 28 19574.2, 19575, 19578, 19582, 19583, 19702, 19818.16,
 29 19819.1, 19820, 19822, 19824, 19826, 19827, 19828, 19829,
 30 19830, 19831, 19832, 19833, 19834, 19835, 19836, 19837,
 31 19838, 19839, 19840, 19841, 19842, 19843, 19844, 19845,
 32 19846, 19847, 19848, 19849, 19849.1, 19849.4, 19850.1,
 33 19850.2, 19850.3, 19850.4, 19850.5, 19850.6, 19851, 19853,
 34 19854, 19856, 19856.1, 19858.1, 19858.2, 19859, 19860, 19861,
 35 19862, 19862.1, 19863, 19863.1, 19864, 19866, 19869, 19870,
 36 19871, 19871.1, 19872, 19873, 19874, 19875, 19876, 19877,
 37 19877.1, 19878, 19879, 19880, 19880.1, 19881, 19882, 19883,
 38 19884, 19885, 19887, 19887.1, 19887.2, 19888, 19990, 19991,
 39 19991.1, 19991.2, 19991.3, 19991.4, 19991.5, 19991.6, 19991.7,
 40 19992, 19992.1, 19992.2, 19992.3, 19992.4, 19993, 19994.1,

1 19994.2, 19994.3, 19994.4, 19995, 19995.1, 19995.2, 19995.3,
2 19996.1, 19996.2, 19998, 19998.1, 20796, 21600, 21602, 21604,
3 21605, 22870, 22871, or 22890 are in conflict with the provisions
4 of a memorandum of understanding, the memorandum of
5 understanding shall be controlling without further legislative
6 action.

7 (b) In any case where the provisions of Section 19997.2,
8 19997.3, 19997.8, 19997.9, 19997.10, 19997.11, 19997.12,
9 19997.13, or 19997.14 are in conflict with the provisions of a
10 memorandum of understanding, the terms of the memorandum of
11 understanding shall be controlling unless the State Personnel
12 Board finds those terms to be inconsistent with merit
13 employment principles as provided for by Article VII of the
14 California Constitution. Where this finding is made, the
15 provisions of the Government Code shall prevail until those
16 affected sections of the memorandum of understanding are
17 renegotiated to resolve the inconsistency. If any provision of the
18 memorandum of understanding requires the expenditure of funds,
19 those provisions of the memorandum of understanding may not
20 become effective unless approved by the Legislature in the
21 annual Budget Act. If any provision of the memorandum of
22 understanding requires legislative action to permit its
23 implementation by amendment of any section not cited above,
24 those provisions of the memorandum of understanding may not
25 become effective unless approved by the Legislature.

26 (c) *Any side letter, appendix, or other addendum to a properly*
27 *modified memorandum of understanding that requires the*
28 *expenditure of funds may not become effective unless approved*
29 *by the Legislature in the annual Budget Act.*

30 SEC. 2. Section 3517.61 of the Government Code is amended
31 to read:

32 3517.61. (a) Notwithstanding Section 3517.6, for state
33 employees in State Bargaining Unit 6, in any case where the
34 provisions of Section 70031 of the Education Code, subdivision
35 (i) of Section 3513, or Section 14876, 18714, 19080.5, 19100,
36 19143, 19261, 19818.16, 19819.1, 19820, 19822, 19824, 19826,
37 19827, 19828, 19829, 19830, 19831, 19832, 19833, 19834,
38 19835, 19836, 19837, 19838, 19839, 19840, 19841, 19842,
39 19843, 19844, 19845, 19846, 19847, 19848, 19849, 19849.1,
40 19849.4, 19850.1, 19850.2, 19850.3, 19850.4, 19850.5, 19850.6,

1 19851, 19853, 19854, 19856, 19856.1, 19858.1, 19858.2, 19859,
2 19860, 19861, 19862, 19862.1, 19863, 19863.1, 19864, 19866,
3 19869, 19870, 19871, 19871.1, 19872, 19873, 19874, 19875,
4 19876, 19877, 19877.1, 19878, 19879, 19880, 19880.1, 19881,
5 19882, 19883, 19884, 19885, 19887, 19887.1, 19887.2, 19888,
6 19990, 19991, 19991.1, 19991.2, 19991.3, 19991.4, 19991.5,
7 19991.6, 19991.7, 19992, 19992.1, 19992.2, 19992.3, 19992.4,
8 19993, 19994.1, 19994.2, 19994.3, 19994.4 19995, 19995.1,
9 19995.2, 19995.3, 19996.1, 19996.2, 19998, 19998.1, 20796,
10 21600, 21602, 21604, 21605, 22870, 22871, or 22890 are in
11 conflict with the provisions of a memorandum of understanding,
12 the memorandum of understanding shall be controlling without
13 further legislative action. ~~It~~

14 (b) In any case where the provisions of Section 19997.2,
15 19997.3, 19997.8, 19997.9, 19997.10, 19997.11, 19997.12,
16 19997.13, or 19997.14 are in conflict with the provisions of a
17 memorandum of understanding, the terms of the memorandum of
18 understanding shall be controlling unless the State Personnel
19 Board finds those terms to be inconsistent with merit
20 employment principles as provided for by Article VII of the
21 California Constitution. Where this finding is made, the
22 provisions of the Government Code shall prevail until those
23 affected sections of the memorandum of understanding are
24 renegotiated to resolve the inconsistency. If any provision of the
25 memorandum of understanding requires the expenditure of funds,
26 those provisions of the memorandum of understanding may not
27 become effective unless approved by the Legislature in the
28 annual Budget Act. If any provision of the memorandum of
29 understanding requires legislative action to permit its
30 implementation by amendment of any section not cited above,
31 those provisions of the memorandum of understanding may not
32 become effective unless approved by the Legislature.

33 (c) Any side letter, appendix, or other addendum to a properly
34 modified memorandum of understanding that requires the
35 expenditure of funds may not become effective unless approved
36 by the Legislature in the annual Budget Act.